

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB289**

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**Hearing Date:** Thursday February 23, 2017

**Committee On:** Judiciary

**Introducer:** Pansing Brooks

**One Liner:** Change provisions and penalties relating to pandering, human trafficking, labor trafficking, and sex trafficking and prohibit solicitation of a trafficking victim

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**Roll Call Vote - Final Committee Action:**

Advanced to General File

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**Vote Results:**

**Aye:** 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks

**Nay:**

**Absent:**

**Present Not Voting:** 1 Senator Chambers

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**Verbal Testimony:**

**Proponents:**

Senator Patty Pansing Brooks  
Rachel Pointer  
Meghan Malik  
Anna Brewer  
Crysta Price  
David Lemoine  
Shireen Rajaram  
Erin Aliano  
Anne Boatright  
Timothy Dunning  
Sakura Yodogawa-Campbell  
Nate Grasz  
Stephanie Huddle  
Rosalee Burke  
Sherry Miller  
Alicia Webber  
Liene Topko  
Jasel Cantu  
Tom Venzor  
Glen Parks

**Representing:**

Introducer  
Free the People Movement  
Women's Fund of Omaha  
Women's Fund of Omaha  
Human Trafficking Initiative  
self  
self  
Nebraska Alliance of Child Advocacy Centers  
Methodist Health System  
Douglas County Sheriff's Office  
Sarpy County Victim Witness  
Nebraska Family Alliance  
Nebraska Coalition to End Sexual & Domestic Violence  
Coalition on Human Trafficking  
League of Women Voters  
The Salvation Army  
self  
Latino American Commission  
Nebraska Catholic Conference  
Attorney General's Office & Human Trafficking Task Force

**Opponents:**

Spike Eickholt

**Representing:**

Nebraska Criminal Defense Attorneys Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

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LB 289 would alter provisions of the Nebraska Criminal Code regarding pandering and sex trafficking.

Section 1- Pandering is increased from a Class III felony for first offense and Class II felony for subsequent offenses to a Class II Felony generally.

Section 2- Changes definitions to include "services" and "activity" to the definition of Labor beyond simple "work".

The definition of "labor trafficking of a minor" is cleaned up by removing the first reference of "knowingly" as the knowledge or intent requirement is included in the latter portion of the definition.

Definitions for "Obtain" and "Services" are stricken.

Production of pornography as sex trafficking is further expanded to include production of such pornography against the performer's will.

Sex trafficking of a minor is changed to a strict liability crime by removing the intent requirement of "knowingly" engaging the minor in sexually explicit activity.

Solicitation of a minor into engaging in explicit sexual activity is included in the crime of sex trafficking of a minor.

Section 3- The penalties for labor or sex trafficking of a minor are increased from a Class II felony to a Class IC felony, unless the actor uses force or threat of force or if the victim is under age sixteen, then the penalty is a Class IB felony (increased from a Class IIA felony).

The penalties for labor or sex trafficking of a non-minor are increased from a Class III felony to a Class II felony. Unless the actor inflicts violence, restrains, or threatens violence or restraint, then the penalty is a Class ID felony (increased from a Class IIA felony).

The penalty for knowing or reckless solicitation of a trafficking victim is established as a Class II felony.

The penalty for anyone benefitting or participating in the trafficking, whether knowingly OR recklessly is increased from a Class IIIA felony, to a Class IIA felony. This provision does not apply to the trafficking victim.

Sex trafficking crimes shall be treated as separate offenses and any sentences resulting from the offenses shall be served consecutively.

Consent of the minor engaged in this activity or ignorance of the minor's age is not a defense.

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Laura Ebke, Chairperson